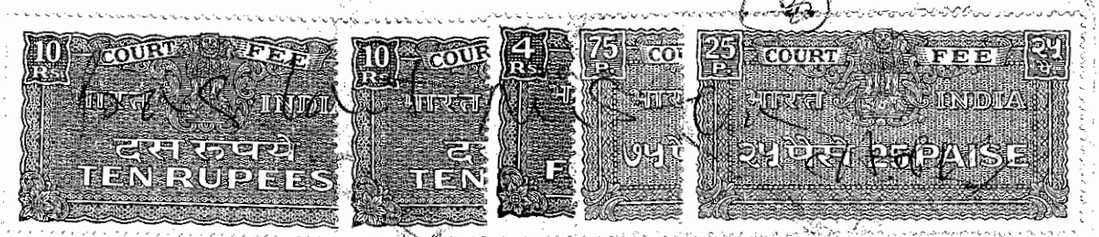

IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

M.P.NO. 2291 /1992

PETITIONER : Ramdhari Agrawal S/o Pyare Lal Agrawal, aged about 47 years, Occupation Cultivation resident of Village Budeli tahsil Sarangarh district Raigarh (M.P.)

Versus

RESPONDENTS : 1. State of Madhya Pradesh Through Sub Divisional Officer (Revenue) Sarangarh district Raigarh (M.P.)

2. Tahsildar Sarangarh District Raigarh (M.P.)

3. Shri J.N.Shukla, the then Naib Tahsildar, Sarangarh (in 1982 to 1984)

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR A WRIT IN THE NATURE OF CERTIORARI, MANDAMUS ETC AND FOR APPROPRIATE FURTHER DIRECTIONS

(24)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक .....W.P.No.2291/02 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
1 2	28-6-2005 Shri B.D. Guru, counsel for the petitioner. Shri Sunil Otwani, Panel Lawyer for the State/respondents No.1 and 2. Heard both the counsel. So far no return has been filed on behalf of the State. By this petition filed under Article 226/227 of the Constitution of India the petitioner seeks to question the legality, propriety and correctness of the show cause notice Annexure-P/5 whereby the Sub Divisional Officer, Saranggarh asked the petitioner herein to show cause as to why he should not be sent to civil jail for not vacating the land which has been encroached upon by him. Learned counsel for the petitioner submits that the petitioner was in possession of that land since 1982 and the Patta was also issued in favour of the petitioner in the year 1981-82 and even then notice has been issued. Learned counsel also submits that the reply in the form of Annexure-P/6 has already been filed in response to the notice Annexure-P/5. This petition has been filed primarily challenging the notice Annexure-P/5 and reply to that has been filed by the petitioner. Therefore, in the circumstances, the petitioner should appear before	

SP/FS/2005 - 20,000

(25)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	the S.D.O. Saranggarh and file the documents showing his possession and entitlement in respect of the land in question. The S.D.O. to decide the matter on its own merit, in view of the reply and documents filed by the petitioner herein and pass appropriate order in accordance with law. Till the order is passed by the S.D.O. after hearing the petitioner, the petitioner should not be dispossessed from the land in question. In view of the above, the petition stands disposed of. Parties are entitled for certified copy of this order. Sd/- L.C.BHADOO Judge	

Parve

SP/FS/2005 - 20,000